

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAYMOND B. MCCOWAN,

Petitioner,

v.

RAYMOND MADDEN, Warden,

Respondent.

Case No. 15-cv-03266-JST (PR)

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

Re: Dkt. No. 16

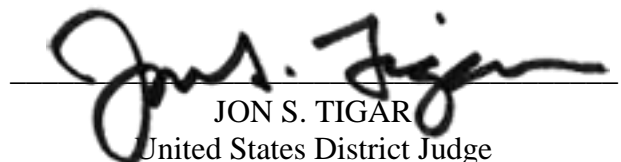
Petitioner has filed a motion for appointment of counsel. The Sixth Amendment's right to counsel does not apply in habeas actions. Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). Pursuant to statute, however, a district court is authorized to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain representation." See 18 U.S.C. § 3006A(a)(2)(B). Here, Petitioner's claims have been adequately presented in the petition, and the interests of justice do not otherwise require the appointment of counsel. Accordingly, Petitioner's motion for appointment of counsel is DENIED. Should the circumstances of the case materially change, the Court may reconsider Petitioner's request sua sponte.

Pursuant to Federal Rule of Civil Procedure 25(d), the Court sua sponte substitutes Raymond Madden, the current warden of Centinela State Prison, where Petitioner is currently incarcerated, as Respondent.

This order terminates Docket No. 16.

IT IS SO ORDERED.

Dated: May 3, 2016

  
JON S. TIGAR  
United States District Judge